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Government of Sikkim
Department of Forest, Environment and Wildlife Management

NOTIFICATION

Guidelines for Lake Conservation in Partnership with Gram Panchayats and *Pokhri Sanrakshan Samiti's* in Sikkim

No:355/F **Dated: 31.7.2006**

Whereas the Department of Forest, Environment and Wildlife Management, Government of Sikkim [hereinafter referred to as the Forest Department] has initiated a number of initiatives to promote nature conservation and ecotourism in the state;

And whereas the lakes in the state have immense Environment, ecological, cultural, spiritual and economic importance;

And whereas the lakes in Sikkim are important ecotourism destinations, offering important livelihood opportunities to the local communities;

And whereas impacts of unplanned tourism, unregulated pastoralism and other human activities pose a serious threat to the long term ecological security of these lakes;

And whereas most of the lakes of the state are located in remote, high altitude areas and securing the long term future of these lakes is largely dependent on the active participation and involvement of the local community;

And whereas there is a need to directly involve the local *Panchayati Raj* Institution which is the constitutional body at the village level in conservation efforts and decentralize and democratize decision making to the *gram sabha*;

Now therefore, in pursuance of clause (b) of section 33 read with sub-section (8) of section 35 of the Wildlife (Protection) Act, 1972 (53 of 1972) and clause (a) of sub-section (2) of section 26 of Indian Forest Act 1927 (16 of 1927) and clause (i) of sub-section (2) of section 83 of the Sikkim Forests, Water Courses And Road Reserve (Preservation And Protection) Act, 1988 (6 of 1988), the State Government has deemed it expedient to work in partnerships with *Gram Panchayats* and *Pokhri Sanrakshan Samitis* [hereinafter referred to as PSS] for the purpose of protection and conservation of the lakes in the state. The members of such *Samitis* shall be allowed benefits, subject to observance of the conditions provided for in this notification.

The composition, functions, duties, powers, ecotourism benefits and restrictive measures pertaining to such *Samitis* shall be as follows:—

1. IDENTIFICATON, CONSTITUTION, CONSERVATION PLAN, CAPACITY BUILDING AND FEDERATION

(A) Identification of the Lake

(1) Lakes which need conservation action shall be identified by the Divisional Forest Officer, Territorial Division, (hereinafter referred to as the Divisional Forest Officer), local communities or Non Governmental Organizations where the local community is willing to offer their cooperation in the protection and conservation of the said lake.

(B) Constitution of the *Pokhri Sanrakshan Samiti* (PSS)

(1) The PSS shall be constituted by the gram sabha in consultation with the concerned Ward Panchayat Member and the Divisional Forest Officer.

(2) Where the gram sabha feels that it itself or any existing village based institution is capable of performing the functions and duties of the PSS, this institution will be designated as the PSS. Otherwise the PSS shall be constituted with those households who are living in the vicinity of the lake. Every family living in the vicinity of the lake shall, however, have the option of becoming a member of the PSS, if such family including the female members is interested in the conservation of the said lake. There shall normally be a joint membership of each household, i.e. husband becoming member, wife automatically becomes a member and vice versa.

(3) It is proposed that the Ward Panchayat Member be the ex-officio President of the PSS however if the gram sabha feels otherwise then they may appoint a suitable person to this post and shall also designate a member secretary from amongst the members of the PSS.

(4) The President shall apply to the concerned Range Officer for registration. The Divisional Forest Officer on the recommendation of the concerned Range Officer shall register the PSS in his office.

(5) After registration of the PSS, the gram sabha shall appoint *Pokhri Rakshak(s)* or Lake Guardian(s) from amongst the members of the PSS and provide him / her with photo identity card(s).

(6) The President shall convene the meetings of the PSS as per the scheduled procedure. There shall be a minimum of four meetings of the PSS in a year on a quarterly basis.

(7) The concerned Gram Panchayat and the Forest Department shall extend all necessary support and help to ensure the smooth and proper functioning of the PSS.

(8) Incase of any conflict within the PSS, the Assistant Conservator of Forests, Territorial in consultation with the Panchayat President shall resolve the conflict amicably.

(9) However the legal status, land tenure and ownership of the lake and its catchment area shall remain unchanged.

(C) Preparation of the Lake Conservation Plan

The Divisional Forest Officer and the PSS shall jointly with the support of State Environment Agency and other governmental and non governmental organizations prepare the Lake Conservation Plan within one year of the registration of the PSS, which shall contain the following:

(1) A map in 1:25,000 scale of the lake along with its immediate catchment area which shall constitute the *Pokhri Sanrakshan Shetra* or the Lake Conservation Area of the PSS.

(2) A baseline quantification of the quality of water of the lake in a quarterly manner.

(3) A baseline quantification of the threats and impacts on the lake like solid waste disposal, sanitation and sewerage, catchment degradation, siltation, eutrophication unplanned tourism infrastructure etc.

(4) A baseline quantification of the status, distribution and population of key wildlife species like water fowl and their habitat.

(5) A baseline quantification of the numbers and seasonality of the tourist arrivals and the benefits accrued from ecotourism.

(6) A conservation action plan which shall lay down the activities to be carried out in the forthcoming year with detailed physical and financial targets, process to be followed as well as a timeframe.

(D) Capacity Building of the Pokhri Sanrakshan Samiti (PSS)

It shall be the duty of the Forest Department to carry out the institution building and capacity building of the PSS in administration, accounts, socio-economic survey and biological survey works. The divisional forest officer shall provide all necessary guidance to the PSS to carry out their duties and functions as and when requested by them. Other governmental and non governmental organizations are also encouraged to support this human and institutional development effort.

(E) Constitution of the State Level Federation *of the PSS*

The *Rajya Pokhri Sanrakshan Sangh* (or the State Lake Conservation Federation) shall be a state level federation comprising of the presidents of the PSS all over the state. The PCCF cum Forest Secretary shall convene atleast one meeting of this federation along with other stakeholders annually to discuss various issues related to lake conservation and related livelihoods in the state.

2. FUNCTIONS

(1) The PSS shall maintain a member's register showing necessary particulars of the members of the PSS e.g. Name, Parentage, Age, Address, Number of family members etc.

(2) The PSS shall maintain a minutes book wherein proceedings of the meetings held from time to time as well as the proceedings of the Annual General Meeting of the PSS and *gram sabha* will be recorded under the signature of the Member-Secretary.

(3) The PSS shall maintain one bank account, namely PSS revolving fund account in any nationalized bank or the State Bank of Sikkim. The President and member secretary shall jointly operate this account. The President shall be responsible for maintaining this account and submission of annual audit reports from a statutory auditor to the Range Officer, the Divisional Forest Officer, District Collector and the PCCF cum Secretary of the Forest Department.

(4) The PSS, and the divisional forest officer shall jointly with the support of State Environment Agency other government and non-governmental organizations prepare the Annual Lake Conservation Plan comprising of the map, water quality, threats, wildlife, ecotourism and conservation action plan.

(5) The funds accrued in the PSS revolving fund account shall be used to pay honorarium to the *Pokhri Rakshak(s),* setting up of an effective garbage management system, preparing and publishing the Annual Lake Conservation Plan, capacity building of the PSS so that they can discharge their duties and functions more effectively, conservation of birds, wildlife and their habitats, restoration of the *Pokhri Sanrakshan Shetra*, financial audit, administrative expenses and for community development works as detailed in the Annual Lake Conservation Plan.

(6) The PSS shall once every year in the *gram sabha* provide details of the functions, duties, and ecotourism benefits of the PSS. The *gram sabha* in this meeting shall also carry out the social audit of the PSS revolving fund account and the activities of the State Environment Agency regarding implementation of the current Annual Lake Conservation Plan. The Annual Lake Conservation Plan for the forthcoming year shall also be presented and approved by the *gram sabha* after incorporating their suggestions if any. Concerned Range Officer, Territorial shall be an observer in this meeting. A copy of this approved Annual Lake Conservation Plan shall be provided by the PSS to the concerned Range Officer, Divisional Forest Officer, District Collector and the PCCF cum Secretary of the forest department annually.

3. DUTIES

The duties of the PSS shall be as follows:—

(A) Protection and Conservation

(1) To ensure protection of the forests, environment, wildlife and biodiversity in the *Pokhri Sanrakshan Shetra* through members of the PSS jointly with the Forest Department staff.

(2) To ensure that the migratory and residential birds and other flora and fauna or their habitat is not disturbed.

(3) To protect the soil and moisture conservation works, afforestation works, signages and other infrastructure within the *Pokhri Sanrakshan Shetra*.

(4) To bring to the notice of the Forest Department of any kind of developmental activity being initiated within or adjoining to the *Pokhri Sanrakshan Shetra* at the earliest.

(5) To carry out awareness and education drives, for sensitizing and capacity building of the local community for nature conservation.

(6) To provide assistance and statistics as and when required by the Forest Department.

(B) Assistance in Ecotourism

(1) To ensure that the tourism within the *Pokhri Sanrakshan Shetra* does not cause problems related to garbage, firewood use, sanitation or disturbance to birds, wildlife or their habitat and results in equitable economic benefits to the local community.

(2) To provide prompt and quality service to the visitors.

(3) To ensure that the shop keepers, hotels, guides, pack animal operators etc (hereinafter referred to as ecotourism service providers) and the visitors follow the Code of Conduct.

(4) To explain to all the visitors about the code of conduct to be followed within the lake. It shall be the duty of the PSS to ensure responsible behaviour of the visitors and the ecotourism service providers.

4. POWERS

(1) The President shall provide Photo Identification card to the *Pokhri Rakshak(s)*, after the registration of the PSS.

(2) The *Pokhri Rakshak* shall have power for apprehending forest and wildlife offenders, incase they feel that the offender may escape. All such offenders apprehended, shall be handed over to the nearest forest office without any delay. They shall also be authorized to protect the infrastructure and facilities within the *Pokhri Sanrakshan Shetra*. In return the Divisional Forest Officer must guarantee prompt and appropriate action on the issue, and keep the gram sabha updated on the action taken.

(3) The members of the PSS shall within six months of their registration pass a resolution indicating the Code of Conduct to be observed within the *Pokhri Sanrakshan Shetra*. Penalties for the violators of this code shall also be specified in detail. This code of conduct shall be passed by the concerned *gram sabha* and approved by the Divisional Forest Officer who shall ensure that none of the provisions are in contravention to any of the existing legislations. This total penal amount shall be credited in the PSS revolving fund account.

(4) However the Divisional Forest Officer shall have the authority to annul any orders passed by the PSS in this regard and take fresh cognizance of the offence incase the due procedure of law has been violated.

(5) All government departments shall seek the prior informed consent of the PSS before undertaking any development or tourism project in the *Pokhri Sanrakshan Shetra*.

5. **ECOTOURISM BENEFITS**

(1) The PSS shall be authorized to levy and collect the *Pokhri Sanrakshan Shulk* or the Lake Conservation Fees of Rs 10/- per tourist per day. Printed and numbered fee receipts shall be provided to all the tourists after collecting the fees.

(2) This fee so collected shall be credited into the revolving fund account of the PSS atleast on a monthly basis and 50% of it transferred in to the bank account of the State Environment Agency. However the total fund shall be used as per the approved Annual Lake Conservation Plan.

6. **PENAL ACTION, DISSOLUTION and RECONSTITUTION**

(1) Failure to comply with any of the fore-mentioned conditions may entail penal action and/or cancellation of individual membership and/or dissolution of the PSS as the case may be as stated in sub-paragraphs (2), (3) and (4) below:

(2) The *gram sabha* shall be authorized to take penal action against the PSS.

(3) The Divisional Forest Officer shall be entitled to take appropriate action including dissolution of the PSS on the grounds stated above on the recommendation of the *gram sabha.*

(4) The Divisional Forest Officer shall initiate the constitution of a new PSS, if any PSS is dissolved in the manner as mentioned above.

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